

DETAILED ACTION

Status of the Application

Receipt of the Appeal Brief filed 09/08/09 is acknowledged.

Claims 17-25 are pending in this action.

Allowable Subject Matter

Claims 17-25 are allowed.

The following is an examiner's statement of reasons for allowance:

The primary reasons for allowance are that the Declaration of Dr. Joel Studin filed on 4/13/07 & 8/6/09 under 37 CFR 1.131 is sufficient to overcome the Yousseffye *et al.* (U.S. 5,968,519) and Mantelle *et al.* (U.S. 6,562,363) references. Applicant has demonstrated a reduction to practice of the instant invention prior to the effective filing dates of both the primary reference of Yousseffye ('519) and the secondary Mantelle ('363) reference. In addition, the Declaration under 37 CFR 1.132 filed on 4/28/08 & 8/6/09 is sufficient to overcome the 35 U.S.C. §103(a) rejections of claims 17-25 based upon the Mantelle *et al.* (U.S. 5,446,070); Brandt *et al.* (U.S. 6,627,216) and Herb *et al.* (U.S. 5,534,246) references. Applicant has demonstrated unexpected results based on the use of nitrocellulose as the film-forming carrier, which shows a superior level of blanching of steroid (i.e., hydrocortisone) into the skin when compared to other film-forming cellulose carriers.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Humera N. Sheikh whose telephone number is (571) 272-0604. The examiner can normally be reached on Monday-Friday during regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert A. Wax, can be reached on (571) 272-0623. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Humera N. Sheikh/
Primary Examiner, Art Unit 1615

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March 25, 2010

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